

REMARKS/RECONSIDERATION

Reconsideration is respectfully requested of the Final Office Action of August 21, 2007, relating to the above-identified application.

The claims in the application are 1 to 4 and 7 to 27. Claims 1 to 4 have been finally rejected in the Official Action of August 21, 2007, and Claims 7 to 21 have been withdrawn from consideration.

The Official Action, on page 2, with regard to the election and requirement for restriction, alleges that the newly-submitted Claims 7 to 27 are directed to an invention that is independent or distinct from the originally claimed invention. It is further alleged that Claims 7 to 27 are not related to the original claims.

Applicants respectfully submit that the new claims submitted with the previous amendment of January 2, 2007 have been misunderstood and that, in fact, Claims 7 to 27 are directed to the same invention as originally presented in Claims 1 to 4.

The Manual of Patent Examining Procedure, § 806.03, states as follows:

“Where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction therebetween should never be required. This is because the claims are not directed to distinct inventions; rather they are different definitions of the same disclosed subject matter, varying in breadth or scope of definition.”

Although Claim 7 is an independent claim, applicants respectfully submit that both Claims 1 and 7 have the same essential characteristics of a single disclosed embodiment of the present invention. It is important to appreciate the fact that Claims 1 and 7 have the same

inventive step; namely, adding or feeding a dispersing agent and a floatation agent into a tank containing paint particles.

For the convenience of the Examiner, a copy of Claim 1 and 7 is attached hereto with the appropriate portions highlighted.

The step of adding or feeding a dispersing agent in a floatation agent is an essential characteristic which patentably distinguishes over the cited prior art document represented by the Japanese document, JP 07-148451. By including the step of adding a dispersing agent and a flotation agent, it is possible to reduce the amount of the precipitated paint particles and to render the paint particles nonsticky. This is described on page 5, lines 14 to page 6, line 16 of the present application.

Applicants respectfully submit that Claims 1 and 7 are not directed to distinct inventions but rather they are different definitions of the same disclosed subject matter varying in breadth or scope of definition. To further clarify the situation, applicants note that in Claim 1, lines 5 and 6, the “liquid containing paint particles” corresponds to the “first liquid” in Claim 7 and the “first liquid in Claim 1, line 8, is the same as the “second liquid” in Claim 7.

That is to say, “the liquid” in Claim 1, lines 5 and 6, and the “first liquid” in Claim 7 contain the paint particles. The “first liquid” in Claim 1, line 8, contains point flocculates and is separated from “the liquid” in Claim 1 (lines 5-6). The “second liquid” in Claim 7 contains point flocculate and is separated from the “first liquid” in Claim 7.

Thus, it can be seen that Claims 1 and 7 are merely different expressions of the same invention and applicants, therefore, respectfully request withdrawal of the restriction requirement and the examination of Claim 7 to 27 together with Claims 1 to 4.

The rejection of Claims 1 to 4 under 35 U.S.C. § 102(b) as anticipated by JP 07-148451 is traversed and reconsideration is respectfully requested. The following comments apply to Claims 7 to 27 as well.

The Official Action points to the disclosure in the JP '451 document and particularly mentions the first separation tank (8), the floatation and dispersing agents adding means (11) and (12), first taking out means (13), circulating means (20), second separation tank (9), second taking out means (19, 18), foreign matter separating tank (26), stirring means (38), in the tank (26), foreign matter separating means (26F), third taking out means (32, 31), and centrifugation paint separation means (27).

Under the "Response to Arguments", the Official Action alleges that the JP '451 document teaches the step of adding dispersing agent and flocculation agents into the tank. The Official Action mentions that the referenced agents are added from means (11) and (12) and that the step and the means are disclosed at least in part in paragraph 0016 of the JP '451 document. (To complete the record, a copy of a machine translation of JP '451 supplied by the Japanese Patent Office is attached hereto).

Applicants respectfully point out that what initially appears to be means by which the addition of a dispersing agent and flocculation agents could be accomplished, upon a closer study, it is revealed that this is not so.

The cited document fails to disclose a means for adding or feeding a dispersing agent and a floatation agent into a tank containing paint particles.

The portions of the JP '451 document that are pointed to in the Official Action relate to an entirely different subject matter. Thus, the means (11) shown in JP '451 is an alkali chemical injecting or impregnation section which injects the alkali chemicals into the liquid to adjust the liquid to alkalinity and to coat misty paint. No dispersing agent is disclosed for finely dividing and dispensing the paint particles for floating. Means (12) is a flocculent injection section which injects flocculants such as macromolecular polymer into the liquid for condensing paint particles in the shape of flocculants and to produce a sludge of the misty paint.

Thus, JP '451 only shows a means for injecting an alkali chemical and a flocculent and fails to disclose each and every step defined in applicants' claims.

No equivalence has been shown between alkali chemicals and applicants' dispersing agent. Consequently, applicants respectfully submit that the JP '451 reference fails to describe each and every feature of the claimed invention as required by 35 U.S.C. § 102. Therefore, the rejection based on the construction of the reference is improper and should be withdrawn.

Favorable action at the examiner's earliest convenience is respectfully requested.

Respectfully submitted,

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Claims 1 & 7:

1. (Previously Presented) A process for continuously recovering [[a]] waste paint comprising:

feeding a booth-circulating water containing paint particles discharged from a paint booth to a first separation tank, and adding a dispersing agent and a floatation agent into the first separation tank to finely divide and disperse the paint particles for floating to form a liquid containing the paint particles;

feeding said liquid containing the paint particles into a second separation tank to roughly separate a first liquid containing paint flocculate and a second liquid containing no paint flocculate by flocculating the paint particles to form the paint flocculate;

transferring the first liquid containing paint flocculate having been roughly separated in the second separation tank to a foreign-matter separation tank for removal of foreign matter contained in the first liquid containing paint flocculate by retaining the liquid in the foreign-matter separation tank; and

separating the paint flocculate from the first liquid containing paint flocculate having been subjected to the removal of foreign matter to collect the paint flocculate.

7. (Previously Presented) A process for continuously recovering waste paint comprising:

feeding a dispersing agent and a floatation agent to a first liquid containing paint particles to disperse and float said paint particles;

separating a second liquid containing said paint particles floating in said first liquid;

removing a third liquid containing more paint particles than a remaining liquid;

removing foreign matter from said third liquid; and

extracting said paint particles from said third liquid after removing said foreign matter.